

REMARKS

Claims 2-4, 6 and 23-33 are pending in the application. Claim 6 has been amended above to convert into independent format. No new matter has been added to the application by way of this amendment to claim 6.

I. THE OBVIOUSNESS REJECTIONS

The Examiner rejected claims 2-4 and 33 under 35 U.S.C. 103(a) as being unpatentable over Mueller et al. (EP 0 508 568) in view of Tenney et al. (USP 4,001,460). It is the Examiner's position that Mueller et al. discloses an apparatus which is capable of reprocessing a specimen from an infiltrating means to an aqueous fluid. The Examiner cites Tenney as disclosing an automated processing system which is similar to that of Mueller et al. and, which discloses the use of separately provided paraffin reservoirs of (infiltrating fluid) which are separately controlled for flow with respect to the other treating agents and which further discloses the use of purge clearant and purge dehydrant.

Claim 33 and dependent claims 2-4 all are directed to automated processing apparatuses that include a pressure regulator for regulating pressure in the processing chamber including at least one pressure sensor that is in fluid communication with the processing chamber. The apparatus further includes a processor that controls a pressure regulator. Neither of the references cited by the Examiner in rejecting claims 33 and 2-4 for obviousness includes any type of automated pressure feedback system. For example, Mueller et al. at page 20, lines 29-37 disclose manual regulation of system pressure. Kenney et al. at column 5, lines 11-68 discloses on/off control of the system pressure. The pressure is not regulated nor is it regulated with a processor.

The prior art does not disclose automatic sensing and regulation of process pressure. Therefore, the Examiner has not established a *prima facie* case of obviousness with respect to claims 33 and dependent claims 2-4. The Examiner's obviousness rejection should be withdrawn at least for this reason.

II. ALLOWABLE SUBJECT MATTER

The Examiner has allowed claims 23-32 and objected to claim 6. The Examiner has indicated that claim 6 would be allowable if redrafted in independent form.

Claim 6 has been converted into an independent claim above and is now believed to be allowable.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that presently pending claims 2-4, 6 and 23-33 are patentable. Favorable reconsideration and allowance of all pending application claims is, therefore, earnestly solicited.

Respectfully submitted,

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Dated: June 15, 2004

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